

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

v.

C/O KORZILIUS *et al.*,

Defendants.

Case No. C06-5301FDB

REPORT AND
RECOMMENDATION

**NOTED FOR:
October 13th, 2006**

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4.

On August 1st, 2006 the court entered an Order requiring plaintiff to submit service documents including copies of the complaint. (Dkt. # 8). There are five named defendants in this action, they are C/O Korzilius, Lieutenant Jacobs, Sergeant Gatchell, C/O Dowelly, and Superintendent Porter. (Dkt. # 10). Plaintiff has not complied. Instead of complying plaintiff has sent in two service forms, one for C/O Korzilius and one for C/O Dowelly. The court has not received service forms for the other three defendants and no service copies of the complaint have been received.

Plaintiff was specifically informed that failure to provide the documents would result in a Report and Recommendation that this action be dismissed for failure to comply with a court order and failure to prosecute. (Dkt. # 8). As plaintiff has not complied with the court's order the court now recommends this action be

1 **DISMISSED WITHOUT PREJUDICE.** A proposed order and proposed judgment accompanies this
2 Report and Recommendation.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
4 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.
5 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.
6 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
7 set the matter for consideration on **October 13th, 2006** as noted in the caption.

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9 DATED this 18th day of September, 2006.

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11 /s/ J. Kelley Arnold
12 J. Kelley Arnold
13 United States Magistrate Judge
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